

Message

From: Talton, Chuck [talton.chuck@epa.gov]
Sent: 7/15/2020 4:35:43 PM
To: Christian, Doretha [christian.doretha@epa.gov]
CC: Johnson, Lydia [johnson.lydia@epa.gov]; Salinas, Amy [salinas.amy@epa.gov]; Torres, Michael [torres.michael@epa.gov]
Subject: RE: SBA Shipyard (A6FX) Oversight Bill - Request for Backup
Attachments: SBA Shipyard for DOI Costs.pdf

Hey Doe,

Ex. 5 Attorney Client (AC)

From: Beth Hesse <Beth.Hesse@ehs-support.com>
Sent: Wednesday, July 01, 2020 12:10 PM
To: Christian, Doretha <christian.doretha@epa.gov>
Cc: Talton, Chuck <talton.chuck@epa.gov>; Torres, Michael <torres.michael@epa.gov>; Salinas, Amy <salinas.amy@epa.gov>; mchernekoff@joneswalker.com; Scott Lindenmuth <Scott.Lindenmuth@ehs-support.com>
Subject: SBA Shipyard (A6FX) Oversight Bill - Request for Backup

Good afternoon Doretha,

We have received the US EPA Invoice dated June 22, 2020 and totaling \$138,938.49. We have reviewed the invoice and would like to request backup for the following line items and any additional information you can provide for these third-parties' role on the project:

- The Environmental Services Assistance Teams (EST) line item totaled \$8,734.90 for services provided by Alion Science and Technology between December 1, 2018 and May 31, 2019 (*note that two Delivery Orders [DO] # are provided: 00002 and 00003*).
 - Can you also describe the role/ services that Alion provides for the project?
- The Department of the Interior line item totaled \$28,312.15
- The Superfund Cooperative Agreement (SCA) line item totaling \$5,197.63.
 - ***Is it possible to obtain a copy of the actual Cooperative Agreement between US EPA & LDEQ?***

Please note that time is of the essence to us. Pursuant to our AOC, we must present any objections to your invoice within 21 days of receipt of your invoice, which we received on June 23, 2020. We require this information in order to properly assess whether we will have any objections to present.

Thank you!

Beth Hesse
Compliance Specialist

e. beth.hesse@ehs-support.com

p. (828) 551-9067

o. Asheville, NC

w. ehs-support.com



This email contains confidential, privileged information intended only for the addressee. If you have received this email in error, please email the message back to the sender at EHS Support LLC by replying to it and then deleting it. We appreciate your assistance in correcting this error.

Message

From: Talton, Chuck [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F606534DFF9E4CE7BDAC8D00BF8ECB5C-TALTON, CHUCK]
Sent: 1/26/2018 10:47:16 PM
To: Johnson, Lydia [johnson.lydia@epa.gov]
Subject: RE: SBA

Ex. 5 Deliberative Process (DP)

From: Chiang, I-Jung
Sent: Friday, January 26, 2018 3:48 PM
To: Talton, Chuck <talton.chuck@epa.gov>
Cc: Johnson, Lydia <johnson.lydia@epa.gov>
Subject: FW: SBA

Do we have any thoughts on this? The PRP group wants to resolve this fairly quickly so this party can join.

I-Jung Chiang
Office of Regional Counsel
Superfund Branch, 6RC-S
EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202
214.665.2160
chiang.i-jung@epa.gov

From: Chiang, I-Jung
Sent: Wednesday, January 24, 2018 10:29 AM
To: Talton, Chuck <talton.chuck@epa.gov>
Cc: Johnson, Lydia <johnson.lydia@epa.gov>
Subject: FW: SBA

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

I-Jung Chiang
Office of Regional Counsel
Superfund Branch, 6RC-S
EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202
214.665.2160
chiang.i-jung@epa.gov

From: Chernekoff, Mike [<mailto:mchernekoff@joneswalker.com>]
Sent: Monday, January 22, 2018 4:52 PM
To: Chiang, I-Jung <chiang.i-jung@epa.gov>
Subject: SBA

I-Jung,

Per our call, below is conceptual language changes to the standard form of CERCLA Performance Bond we have used to date to address a non-Respondent submitting a PB because of its contractual obligation with our PRP Group. Please note that this language has not been reviewed or approved by our Group or by the party involved defined as the Principals, and so this is subject to revision. Let me know if you'd like to discuss.

Mike

WHEREAS, EPA and members of the SBA Shipyard Site PRP Group (the "Group") entered into the Agreement, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC §§ 9601-9675, to perform the "Work" as defined in such Agreement (hereinafter, the "Work") and to fulfill other obligations as set forth therein; and

WHEREAS, the members of the Group who entered into the Agreement are referred to therein as the "Respondents"; and

WHEREAS, pursuant to the Agreement, Respondents were obligated to meet Financial Assurance requirements as set forth therein, including by providing to EPA Performance Bonds or other approved forms of financial assurance; and

WHEREAS, although Principals herein are not Respondents to the Agreement they are members of the Group, and as such have contractually committed to the Group members to provide their *pro rata* share of the Respondents' total Financial Assurance obligation under the Agreement;


NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration the receipt of which is hereby acknowledges, the parties hereto agree as follows:

1. The Principals and Surety hereto are firmly bound to the United States Environmental Protection Agency (EPA or beneficiary), in the amount of \$_____, the Total Dollar Amount of this Performance Bond, for the performance or payment of the Work by the Respondents to the Agreement, which we, the Principals and Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, subject to and in accordance with the terms and conditions hereof.

2. The conditions of the Surety's obligation hereunder are such that if the Respondents shall promptly, faithfully, fully, and finally complete the Work in accordance with the terms of the Agreement, the Surety's obligation hereunder shall be null and void; otherwise, it is to remain in full force and effect.

3. [Same as in original, EXCEPT change the word "Group" to "Respondents" throughout, i.e., change "Group's failure" to "Respondents' failure".]

[Rest of language in the Performance Bond tracks the language in Performance Bonds previously submitted under the AOC.]


Michael A. Chernekoff
Partner
Jones Walker LLP
D: 713.437.1827 F: 713.437.1927
C: 832.260.5740
mchernekoff@joneswalker.com

811 Main St, Ste 2900
Houston, TX 77002
T: 713.437.1800
www.joneswalker.com

We have relocated. Please note Jones Walker's new office address.